

**MEETING OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD  
ON WEDNESDAY, SEPTEMBER 18, 2019 AT 6:00 P.M. IN THE CITY COUNCIL  
CHAMBERS**

**MAYOR:** Tonita Gurulé-Girón

**COUNCILORS:** Vincent Howell  
David G. Romero  
David A. Ulibarri, Jr.  
Barbara A. Casey

**ALSO PRESENT:** Ann Marie Gallegos, Interim City Manager  
Danielle Sena, Recorder  
Esther Garduno, City Attorney  
David T. Bibb III, Sergeant at Arms

Meeting began at 6:00 p.m.

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Councilor Ulibarri, Jr. asked for a moment of silence for our residents and ourselves and for the betterment of the community.

**APPROVAL OF AGENDA**

Councilor Casey made a motion to approve the agenda as is. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
David G. Romero	Yes	Barbara A. Casey	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

### **APPROVAL OF MINUTES**

Councilor Casey made a motion to approve the minutes for August 14th Special Meeting, August 14th Work Session and August 21, 2019 Regular with minor amendments. Councilor Howell and Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

### **MAYOR'S APPOINTMENTS/REPORTS**

Mayor Gurulé-Girón stated she did not have any appointments although wanted to address the Las Vegas Optic. She advised that they wrote an article about the City's budget approved by DFA which cited a letter to DFA and stated percentages were not accurate in regards to expenditures and transfers. She advised the article stated there were other issues regarding the budget and that they did not take into consideration, the City's cash balances, which were substantial to the City and advised she would provide a copy of the cash balances to the Optic.

Mayor Gurulé-Girón advised that also mentioned in the article was budgeted increases and transfers between funds not included in the final approval must be approved by the Local Government Division and stated that basic protocol was that all transfers must be approved by them. She wanted to state publicly that the City's 2020 budget included over 30 million, 5 million in investments which would be carried over to utilize in the 2020 budget and it did not mean the City was spending frivolously. She commended the individuals who monitor the budget very carefully and added that total revenue in cash balances were 76 million, total expenditures were 52 million and total June 30, 2020 expected cash balance was 20 million.

### **MAYOR'S RECOGNITIONS/PROCLAMATIONS**

Mayor Gurulé-Girón recognized and thanked Councilor Ulibarri, Jr. for attending the recent 911 event that took place.

### **PUBLIC INPUT**

Paul Hesch stated that he wanted to thank the governing body for their service to the community and stated that they pray for them and honor them. He took the opportunity to invite them to a steak dinner event that they host for local law enforcement, (local heroes), and informed it would be held on September 27th from 11:00 a.m. to 3:00 p.m.

Cordia Sammeth spoke briefly about climate change and advised of the Global Climate Strike that would take place on September 20th in Santa Fe and added that Semilla's would be helping in making posters for the event Friday at 9:30 a.m. She advised that Tierra Encantada Market Festival would take place this Saturday with many events taking place between 8:00 a.m. and 3:00 p.m. and information would be available on climate change and regenerative agriculture.

Lalo Sanchez spoke on issues regarding police vehicles not being numbered for the purpose of reporting officers who were breaking the law and not having numbers to identify the vehicles was prohibiting him on reporting the officers infractions. He also added that he was having difficulty getting in contact with Police Chief Bibb. Mr. Sanchez added that the need for crosswalks was crucial for student and pedestrian safety and asked that they address that issue throughout the City and not only on North Gonzales Street. He also advised that loose dogs and cats were a huge concern and a disturbance in his neighborhood and asked if that could be addressed.

### **PRESENTATIONS**

Kathleen Dudley gave a detailed presentation regarding the many issues and concerns on 5G Technology. She reported on the detrimental effects of having 5G radioactive frequency and how it had damaging health impacts, particularly to our youth and the subsequent impact to the diminishing ozone layer causing global warming. She thanked the City for their example of using non pesticide chemicals which damage our water, the soil and our bodies.

Utilities Director Maria Gilvarry gave a lengthy detailed presentation regarding the Wastewater Treatment System Process and Permits and reported on a

proposed organizational work chart that would create a path for promotions regarding Wastewater Lab Technicians who could specialize in Operations, Collections & Labs.

Mayor Gurulé-Girón asked if Amnesty Day had already been scheduled and asked for the status of the Utilities Rate Study.

Utilities Director Gilvarry advised that Amnesty Day would be scheduled within the next three weeks and that the Rate Study would be presented to the governing body in November.

Councilor Casey asked regarding Wastewater training, how long would it take to move up a level, how long would it take to get results and who evaluated the tests.

Utilities Director Gilvarry advised that the tests were provided by the state's Operator's Certification Program and usually test results were received within four weeks. She advised that the state grades the test, provides the results and certifications and if they fail the test they also offer guidance on those areas that need focus on.

Councilor Howell asked for the status of Bradner Dam, regarding if it was almost to its full capacity and asked for the status of the Acequia litigation.

Utilities Director Gilvarry stated that they were filling 1 foot a day although the state engineer had slowed them down to a certain flow, and last reported was over 80 acre feet which was one third full and would take another month or two. She advised that she could not give any information regarding the Acequia litigation.

Brief discussion took place regarding the drainage process that would eventually take place once it was offline.

City Attorney Esther Garduno Montoya advised Councilor Howell that she would request an update from the water attorneys regarding the Acequia litigation and would report on it at the next council meeting.

#### **CITY MANAGER'S REPORT**

Interim City Manager Ann Marie Gallegos reported on the following ongoing projects taking place:

-Submittal of CDBG  
-August, New Hires

-Fiesta Report (forthcoming)  
-NM Infrastructure Conference (Las Cruces, N.M. Oct 23-25)

## **FINANCE REPORT**

Interim Finance Director Tana Vega presented the Finance Report for the month ending August 31, 2019, (16.66% of Year Lapsed), reporting the General Fund revenues at \$1,891,670 and expenditure total at \$1,655,554. She reported the Enterprise Funds revenue at \$2,406,701 and expenditures at \$2,054,527. Ms. Vega reported Recreation Department revenues at \$88,044 and expenditures at \$105,971.

Councilor Howell thanked Ms. Vega for providing the check journals requested.

Councilor Casey had questions regarding the check journal listing payouts pertaining to D.A.G. totalling \$50,564.00.

Ms. Vega advised that the payouts were under General Fund, month to month and quotes were received, that the diesel contract with D.A.G. was still in effect and the gasoline contract with D.A.G. had expired.

Councilor Casey stated that she had questions on some payments being made to entities she had not heard of and asked for clarifications regarding those.

Ms. Vega made the clarifications of the entities as Councilor Casey read them out.

Interim City Manager Gallegos advised they would get the information regarding those entities not identified.

Councilor Casey explained that the reason for the questioning was due to \$5,209,111.00 for 2 months was a great amount being paid to different entities.

Mayor Gurulé-Girón asked "on the 5 million that goes out, what does the actual report look like in regards to the reserve and how much we've saved." She asked if the City had been careful in spending.

Ms. Vega advised that as indicated by the General Fund and Enterprise Funds revenue reports, it showed that we brought in more available cash than what was expended therefore any cash carried over from the prior year had not been expended. She stated that regarding spending, all requisitions were reviewed, they ensure adequate quotes had been received and that there is adequate funding in that particular line item.

Mayor Gurulé-Girón stated that in regards to the Moody report, asked to discuss the City's credit strengths and how the debt for pensions worked.

Ms. Vega explained that in regards to credit strength, the report was based on the 2017 Audit Report which reflected the Moody Report for the 2018 Audit Report and was extensive and detailed to GRT funding and stated that the City still had an AA rating in 2018 and 2019. She advised that in regards to the debt burden's future, it was based on what the City would bring in regarding future revenues, in order to pay off that debt and being that the City was under the Qualified Pension Plan, if PERA would go bankrupt, the City would still be liable to continue making pension plan payments to retirees. Ms. Vega stated that currently it was only affecting the City's financials as far as the audit report goes due to it being required by GASB to report it.

### **CONSENT AGENDA**

Deputy Clerk Danielle Sena read the Consent Agenda (Items 1-4) into the record as follows:

1. Approval of Resolution 19-48 for the participation in the local government road fund program match waiver which is administered by the New Mexico Department of Transportation (NMDOT) in the amount of \$80,878.10.

Resolution 19-48 was presented as follows:

**STATE OF NEW MEXICO  
CITY OF LAS VEGAS  
Resolution #19-48**

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM (CALL FOR PROJECTS)  
AND REQUEST FOR MATCH WAIVER ADMINISTERED BY NEW MEXICO DEPARTMENT OF  
TRANSPORTATION**

**WHEREAS;** the City of Las Vegas and the New Mexico Department of Transportation (NMDOT) have entered into an Agreement;

**WHEREAS;** the total project cost is \$1,617,562.00;

**WHEREAS;** the share amount from NMDOT shall be 95% or \$1,536,683.90;

**WHEREAS;** the City of Las Vegas' proportional matching share shall be 5% or \$80,878.10 if a "Hardship" for "Match Waiver" is not deemed to be present by the Department of Finance and Administration and the NMDOT;

**WHEREAS;** the City of Las Vegas has a limited tax base which limits the funding for meeting the proportional matching share and a fund exists in the NMDOT appropriated by the New Mexico State Legislature for Public Entities" in need of "Hardship";

**WHEREAS;** the City of Las Vegas requests participation in this Match Waiver Program in the amount of \$80,878.10 to acquire funds;

**WHEREAS;** the project for this Call for projects program is to be adopted and has a priority standing for the proportional match waiver toward completion of the project.

**NOW THEREFORE, BE IT RESOLVED,** by the City of Las Vegas to enter into this Agreement with the New Mexico Department of Transportation's FY19 Local Government Road Fund (LGRF) Project, for the plan, design, construction, and construction management for National Street /Bridge Street within the control of the City of Las Vegas, in San Miguel County, New Mexico.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_\_ DAY OF September 2019.

CITY OF LAS VEGAS

ATTEST:

\_\_\_\_\_  
Casandra Fresquez, City Clerk

\_\_\_\_\_  
TONITA GURULE-GIRON  
MAYOR

2. Approval of Resolution 19-49 assuring the City of Las Vegas supports a request for a one year extension to Project No. Sp-4-19(957) COOP grant due to weather delays.

Resolution 19-49 was presented as follows:

**CITY OF LAS VEGAS  
RESOLUTION NO. 19-49**

PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND COOPERATIVE AGREEMENT ADMINISTERED

By the New Mexico Department of Transportation (NMDOT)

WHEREAS; the Governing Body of the City of Las Vegas support a request for a one year extension to jointly coordinated grant administered by the NMDOT.

WHEREAS; the City of Las Vegas and the NMDOT have entered into a joint coordinated effort, and,

WHEREAS; the Governing Body does provide authorization and approval for an extension request of one year to FY 2019 Municipal Cooperative Agreement (COOP), Project No. SP-4-19(957), Control No. L400397, Vendor No. 54343, Contract No. D15952.

NOW, THEREFORE, it is respectfully requested that authorization be given of said request to the NMDOT District 4 office for approval of said request.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of September, 2019.

CITY OF LAS VEGAS

ATTEST:

\_\_\_\_\_  
TONITA GURULE-GIRON

\_\_\_\_\_  
CASANDRA FRESQUEZ,  
CITY CLERK

### 3. Approval of Resolution 19-51, Recommendation to award Engineering Services to Molzen Corbin for Salazar/Romero Street.

Resolution 19-51 was presented as follows:

#### **CITY OF LAS VEGAS, NM Resolution No. 19-51**

##### **Award of Professional Services to Molzen Corbin**

**WHEREAS;** the City of Las Vegas and the New Mexico Department of Transportation (NMDOT) have entered into an agreement, Project No. D18030, Romero/Salazar Street Reconstruction.

**WHEREAS;** the total amount of the project being Six Hundred Fifty Two Thousand, Two Hundred Fourteen Dollars, (\$652,214.00) to include engineering cost.

**WHEREAS;** engineering cost will be One Hundred Forty Six Thousand Nine Hundred Fifty Two and Seventy Two Cents (\$146,952.72).

**WHEREAS;** the City of Las Vegas and Molzen Corbin would like to enter into an Agreement for Professional Services, Project No. D18030 Romero/ Salazar Street Reconstruction.

**NOW THEREFORE, BE IT RESOLVED;** by the City of Las Vegas to enter into this Agreement, Project No. D18030 with Molzen Corbin Engineering for the Topographic Survey, Geotechnical Investigation, Plan, Design, Construction Management, Reconstruction, Pavement Rehabilitation, Drainage Improvements, and Miscellaneous Construction, as well as prepare Final Construction Documents, Submit Plans and Specifications of 100%, prepare Final Construction Documents for Advertisement as well as Submitting all Closing Documents on Romero/Salazar Street.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_ DAY OF SEPTEMBER, 2019

ATTEST:

CITY OF LAS VEGAS

\_\_\_\_\_  
Casandra Fresquez, City Clerk

\_\_\_\_\_  
Tonita Gurule-Giron Mayor

4. Approval of Resolution 19-50, 2021-2025 Infrastructure Capital Improvement Plan (ICIP) for the City of Las Vegas Senior Center.

Resolution 19-50 was presented as follows:

**STATE OF NEW MEXICO  
CITY OF LAS VEGAS  
RESOLUTION NO. 19-50**

**A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL  
IMPROVEMENT PLAN (ICIP)  
FOR THE LAS VEGAS SENIOR CENTER**

**WHEREAS,** the City of Las Vegas recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

**WHEREAS,** in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

**WHEREAS,** systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

**WHEREAS,** this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

**NOW, THEREFORE, BE IT RESOLVED**, by the City of Las Vegas Governing Body that:

1. The City of Las Vegas has adopted the attached FY 2021-2025 Infrastructure Capital Improvement Plan for the Las Vegas Senior Center, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.

**PASSED, APPROVED AND ADOPTED by the Governing Body**, this \_\_\_\_\_ day of September, 2019.

Signed:

**ATTEST:**

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**Mayor Tonita Gurulé-Girón**

\_\_\_\_\_  
Casandra Fresquez, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY ONLY:

\_\_\_\_\_  
City Attorney

Councilor Casey made a motion to approve the Consent Agenda Items 1-4, as read into the record. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara Casey	Yes
David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

### **BUSINESS ITEMS**

1. Approval/Disapproval of International Association of Fire Fighters (IAFF) Local 4625 Agreement.

Fire Chief Billy Montoya introduced L.A. Sena as the IAFF Representative and advised that the City entered into contract negotiations with IAFF for purposes of negotiating a partial contract for 2019. The International Association of Fire Fighters Local 4625 has ratified and approved the collective bargaining agreement

between the City of Las Vegas and the Las Vegas NM Professional Firefighter Association.

Mayor Gurulé-Girón had a question regarding Article 20, Section I. Disciplinary Conduct (Action) and asked how they came to that conclusion.

Fire Chief Montoya advised that they formulated it around what would work for the department specifically and that it covered the department and staff for any type of diminishing integrity that may occur off duty.

Lengthy discussion took place regarding conflict of interest pertaining to on or off duty conduct.

Councilor Howell asked if they went back to union members to vote on the amendments made to the contract and if so, were the votes unanimous.

Fire Chief Montoya advised that the union had the opportunity to go back and they made their recommendations as a counter offer, that they met again and both parties agreed upon the agreement.

IAFF Representative, L.A. Sena advised that the union members vote was majority and stated that one of the stipulations added was the  $\frac{3}{4}$  vote, in order for the union to be present and able to present if any infraction occurred.

City Attorney Esther Garduno advised that she was not present at negotiations although reviewed all documents in the preparation.

Councilor Casey made a motion to approve of International Association of Fire Fighters (IAFF) Local 4625 Agreement. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	Barbara Casey	Yes
David A. Ulibarri, Jr.	Yes	David G. Romero	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

### **COUNCILORS' REPORTS**

Councilor Romero was concerned about the weed issue not being addressed throughout the City.

Councilor Romero asked if permits and insurance were needed from property owners with abandoned buildings and asked for an update from Code Enforcement regarding the Abandoned Building Ordinance.

Interim City Manager Gallegos advised that 40 red tags had been issued last week concerning the weeds, were moving forward on that and advised Councilor Romero they would follow up on particular addresses they would receive from him. She stated regarding abandoned buildings, they were addressing buildings that were in poor and unsafe condition and trying to contact those property owners through San Miguel County and focusing on enforcing the ordinance.

Councilor Casey advised she was also concerned about older buildings that were deteriorating and mentioned the Masonic Temple was one of them and asked if it was possible to get a formal report from the Department of Cultural Preservation on the renovation of older buildings that had been done. She wanted to have discussions on how to ensure the deterioration did not continue.

Interim City Manager Gallegos advised they were hoping for any potential sales of the building on Grand Avenue and Bridge Street and she would get with Community Development Department to work on a report on historical buildings that had been worked on.

Mayor Gurulé-Girón stated that this had been an ongoing problem for years and that it was actually the responsibility of the property owner of the building, to sell or repair.

Councilor Howell stated they had a good meeting with the production company and LVFIBA, discussed was keeping 4th of July Fiestas at Plaza Park although moving other events, that they wanted film to exist in Las Vegas and thought good ideas were discussed in regards to mitigating problems brought forth. He stated that the Film Commission needed to be regenerated.

Councilor Howell advised that he was concerned about the collapsed property on Grand Avenue due to kids being able to get in that area, which was very unsafe.

Interim City Manager Gallegos advised that it was fenced and would contact the owner or the person facilitating the sale of property and inform them of that.

Councilor Howell stated that there was still no lighting on Grand Avenue.

Streets Director Chris Rodarte advised that they had been working on locating a major short in 35-40 light poles and were on the last 10 and should be completed by Friday.

Councilor Ulibarri, Jr. asked if Code Enforcement could give a report by Ward pertaining to abandoned vehicles throughout the City.

Interim City Manager Gallegos advised that they would provide the report to Council by ward.

Councilor Howell stated to Chief Bibb that he hoped there could be more Police security in the River Walk area of Grand Avenue to Mills Avenue, that the community was scared since there was a death that occurred there.

Councilor Romero asked what the process was regarding members wanting to work out during the construction and if their passes would be extended.

Recreation Manager Sonia Gomez advised that right now there was a freeze on all memberships although when construction was complete they would give all members their days from the time it closed until time of reopening. She informed that that information was provided on PSAs and that she could not confirm a completion date.

### **EXECUTIVE SESSION**

Councilor Casey made a motion to go into Executive Session for the purpose of discussing personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978 and to discuss matters subject to attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
David G. Romero	Yes	Barbara A. Casey	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

Councilor Casey made a motion to reconvene into Regular Session after having been in Executive Session for the purpose of discussing personnel matters as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meeting Act, NMSA 1978 and for discussing matters subject to attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978, no action was taken and only those items were discussed. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Vincent Howell	Yes
David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

### **ADJOURN**

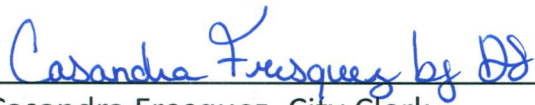
Councilor Casey made a motion to adjourn. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara Casey	Yes
David G. Romero	Yes	Vincent Howell	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

  
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 Mayor Tonita Gurulé-Girón

ATTEST:

  
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 Casandra Fresquez, City Clerk